IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11155 of 2005

Between:

Rathod Dasrath S/o. R. Poma
R/o.H.No.1-113, New Colony, Narnoor Mandal
Adilabad District.

..... PETITIONER

AND

1 The Deputy Commissioner Transport Department
Hyderabad.
2 The Secretary Regional Transport Authority
Adilabad.
3 The Motor Vehicle Inspector Transport Dept.,
Adilabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in seizing the vehicle as illegal,arbitrary and much against the principles of natural justice and consequently direct the respondents to release the vehicle bearing Reg.No.AP 01 U-4039 in favor of the petitioner. the circumstances of the case.

Counsel for the Petitioner:MR.K.SRINIVASA REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR TRANSPORT

The Court at the admission stage made the following :

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of the respondents in seizing the vehicle bearing registration No.AP 01 U-4039 as illegal and arbitrary and to direct them to release the vehicle in favour of the petitioner.

The petitioner claims that he is the owner of the vehicle bearing registration No.AP 01 U-4039 and while conducting routine check the respondents seized his vehicle on 14-4-2005 for violation of certain provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder.

Whether the petitioner has violated certain provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder has to be decided by the competent authority. Meanwhile, it is not desirable to keep the vehicle idle exposing to sun and rain causing damage to the vehicle. Therefore, the 1st respondent is directed to release the petitioner's vehicle bearing registration No.AP 01 U 4039 on the following terms and conditions;

1. that the petitioner shall not alienate or transfer the vehicle.

2. that the petitioner shall not remove the spare parts of the vehicle;

3. that the petitioner shall produce the vehicle as and when required before the competent authority;

4. that the petitioner shall pay the taxes due, if any, as on today

5. that the petitioner shall produce all the original documents standing in his name.

The writ petition is disposed of in terms of the above directions. In the circumstances of the case, there shall be no order as to costs.

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17-05-2005

To

1 The Deputy Commissioner, Transport Department
Hyderabad.
2 The Secretary, Regional Transport Authority
Adilabad.
3 The Motor Vehicle Inspector, Transport Dept.,
Adilabad.

4. Two CCs to the Government Pleader for Transport, High Court Building, Hyderabad. (OUT)

5. Two C.D. copies.

Sj